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Wednesday, December 15, 1982

THE WASHINGTON POST

Reporters Balk Over Briefing Pact

Associated Press

Thirteen reporters were given an off-the-record Pentagon briefing yesterday that contained sensitive information on Soviet military developments, even though the journalists refused to sign an unprecedented "secrecy agreement" requested beforehand by defense officials.

Pentagon spokesman Henry Catto said the briefing was offered "to inform senior defense correspondents as to the extent and trends of the growing Soviet threat insofar as national security would permit."

Catto said the strict secrecy sought by the Defense Department was dictated by the need to "protect intelligence sources and methods of collection."

The briefing dealt with Soviet advances in strategic nuclear weapons and conventional forces.

It was set up after reporters had complained to Defense Secretary Caspar W. Weinberger that the defense establishment was not providing military affairs reporters with the kind of information that would enable them to judge the validity of Reagan administration claims of ominous Soviet military advances.

When the reporters arrived at a meeting room before the briefing, they were asked to sign a one-page statement titled "Department of Defense Secrecy Agreement."

Catto and other officials said that intelligence authorities were insistent on obtaining such a formal agreement from reporters before divulging highly sensitive information to them.

After the reporters unanimously refused to sign, officials reconsidered and agreed to go ahead with the briefing on the understanding that the material would be off the record and usable only as background matter for future articles.



**NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755**

Serial:

STAT

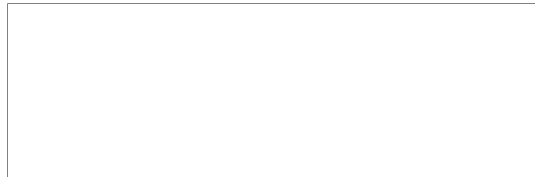
12 MAY 1982

MEMORANDUM FOR THE CHAIRMAN, DCI SECURITY COMMITTEE

SUBJECT: Draft NSDD on Unauthorized Disclosures

1. Attached is the NSA comment on the Draft NSDD 19, Tab G to the "Willard Report". This comment was prepared initially in response to a Department of Defense request and is provided for information.

2. I believe the suggested changes in the procedures governing reporting and investigation are necessary to be consistent with the concepts being considered by the Unauthorized Disclosures Investigation Subcommittee.



STAT

Encl:
a/s

Director of Security



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial:

STAT

10 MAY 1982

MEMORANDUM FOR THE DIRECTOR OF COUNTERINTELLIGENCE AND SECURITY POLICY,
OFFICE OF THE UNDER SECRETARY OF DEFENSE (POLICY)

SUBJECT: Draft NSDD On Unauthorized Disclosures

1. As requested by your memorandum of 3 May 1982, subject as above, we have reviewed the draft NSDD on "Leaks." Rather than comment on the original draft we have prepared a new draft which defines the applicability and conditions a nondisclosure agreement must meet and clarifies investigative and damage assessment responsibilities. Your consideration of these changes is requested.

2. NSA strongly supports the intent of the NSDD as a clear statement of national-level concern over the unauthorized disclosure problem. Because of the impact of the policy, we request that further drafts of the policy be formally staffed.

Director of Policy

STAT

Encl:
Draft NSDD

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☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☐ SECRET**ROUTING AND RECORD SHEET**

SUBJECT: (Optional)

Proposed NSDD. Protection of Classified Information

FROM:

Director of Security
4E-60 HQS

EXTENSION

NO.

OS 2 0620/1-A

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

C/SECOM

12 MAY 1982

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The attached copy of my response to the DDA re Subject covers all issues I wish to raise as a SECOM member.

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☐ SECRET☐ CONFIDENTIAL☐ INTERNAL
USE ONLY☐ UNCLASSIFIED

12 MAY 1982

MEMORANDUM FOR: Deputy Director for Administration

FROM:

Director of Security

STAT

SUBJECT: Protection of Classified Information

REFERENCE: Tab A to National Security Council Memorandum,
dated 29 April 1982, Titled: Draft National
Security Decision Directive

1. The effect of unauthorized disclosures of classified information upon the overall security program of the U. S. Government is increasingly severe. The Office of Security wholeheartedly endorses and urges issuance of a Presidential statement on this subject. The general thrust of the subject National Security Decision Directive appears sound. STAT

2. The proposed directive would benefit from certain refinements which would contribute to its clarity and effectiveness. To assist with these objectives, the Office of Security offers the following suggestions:

OS 2 0620/1-A

STAT

3. The draft, if finalized as national security policy, will have no significant impact on the Agency. We are covered on the matters of nondisclosure agreements, prepublication review, media contacts, internal investigation, established penalties for unauthorized disclosure, polygraph, and appropriate regulations. Any new Executive Order (to replace E.O. 10450) that would implement provisions of the draft necessarily will be less comprehensive than our present security requirements set forth in regulatory issuances.

STAT

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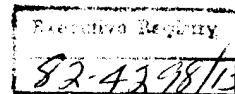
Orig - Addressee

1 - EO/DDA

① - C/SECOM

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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee



SECOM-D-179

11 May 1982

STAT

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence
Director, Intelligence Community Staff

STAT

FROM: 
Chairman

SUBJECT: NSC Staff Secretary Memorandum Dated 29 April 1982,
Subject: Protection of Classified Information

1. Action Requested: Sign the attached memorandum to Judge Clark providing the comments requested by reference.

2. Background: On 2 February 1982, Judge Clark issued implementation guidance for NSDD-19. Part of this requested the Attorney General to convene an interagency group to study the effectiveness of existing statutes and procedures prohibiting unauthorized disclosures of classified information. Attorney General Smith sent this group's report to the President on 31 March. The report's recommendations were summarized in a draft National Security Decision Directive (NSDD). That draft NSDD was sent by reference to department and agency heads asking for comment. Your endorsement (Tab A) of the Attorney General's recommendations crossed reference in the mail. We now need to reiterate that endorsement and suggest desirable fine tuning of the draft NSDD.

3. Staff Position: We believe that adoption of the draft NSDD would improve the protection of classified information, and of intelligence information as a sub-set of it. Implementation of the NSDD's provisions would bring the "national security community" closer into line with Intelligence Community practice in terms of key security provisions. Examples:

a. Nondisclosure agreements - CIA, NSA and DIA require them as a condition of employment. The NSDD would require them as a condition of access to any and all classified information - at least on a prospective basis.

b. Prepublication review requirement - this is in the CIA employment agreement, and is also in the nondisclosure agreements most Community agencies require for access to SCI. The NSDD would make this an across-the-board requirement for access to SCI, and apply it to access to other classified intelligence information as well.

c. News media contacts - CIA regulates these strictly. Practice elsewhere in the Community varies. The NSDD would require all departments and agencies to regulate contacts with a view to stopping leaks.

d. Leak investigations - Community agencies cooperate reasonably well with one another on these. The NSDD would require investigative cooperation generally.

4. There are some editorial ambiguities in the draft NSDD. We have included suggested improvements for two of them in the draft DCI response. We would have liked the draft NSDD to have taken a stronger line on some areas. However, these areas were debated in the interagency group which developed this proposed directive, and the result is the most the "national security community" is prepared to concede now. Accordingly, we believe the Community's security interests are best served by endorsing the substance of the draft NSDD as written. We sought Security Committee member comments on the draft NSDD as well. Those members who have had chance to reply (OSD, Navy, Air Force and Justice) concur with the draft as written. Our approach to this issue has been coordinated with the Office of General Counsel and the Office of Security, DDA.

5. Recommendation: That you sign the proposed memorandum to Judge Clark (Tab B).



STAT

Attachments

SUBJECT: NSDD-19

Distribution:

Orig - Addressee w/atts
1 - DDCI w/atts
1 - Ex Dir w/atts
1 - OGC w/atts
1 - ER w/atts
1 - D/ICS w/atts
1 - D/OCC/ICS w/atts
1 - ICS Registry w/atts

SUBJECT: Letter to The Honorable William P. Clark
Re Protection of Classified Information

Distribution:

Orig - Addressee

1 - DCI

1 - DDCI

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1 - OGC

1 - ER

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1 - ICS Registry

The Director of Central Intelligence

Washington, D.C. 20505

17 MAY 1982

MEMORANDUM FOR: The Honorable William P. Clark
Assistant to the President for
National Security Affairs

SUBJECT: Protection of Classified Information

1. I have reviewed the draft National Security Decision Directive (NSDD) sent to heads of departments and agencies for formal comment by the National Security Council Staff Secretary. As I noted in my 28 April 1982 memorandum to you, I believe the proposed directive would be an appropriate vehicle for implementing the sound recommendations in the "Report of the Interdepartmental Group on Unauthorized Disclosures of Classified Information" the Attorney General submitted to the President on 31 March 1982. I believe the NSDD's provisions would be of help in better safeguarding intelligence information. I endorse favorable consideration of the draft directive by the National Security Council and its subsequent issuance by the President.

2. Two editorial changes in the draft would help avoid possible misunderstandings. Section 1.b of the draft uses "collateral" as a modifier for "classified information." Since "collateral" means different things to different people, I suggest rewording the expression to "other classified intelligence information." Section 1.c of the draft implies that only "officials" are to be governed by regulations on news media contacts. Use of the word "personnel" instead would remove any ambiguity and implication of different standards.

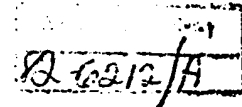
Signed

William J. Casey

The Director
Central Intelligence Agency



Washington, D.C. 20505



38 APR 1982

MEMORANDUM FOR: The Honorable William P. Clark
Assistant to the President for
National Security Affairs

SUBJECT: Report of the Interdepartmental Group on
Unauthorized Disclosures of Classified
Information

1. I have reviewed the recommendations made by the subject report, which the Attorney General submitted to the President on 31 March 1982. I join with the Attorney General in endorsing these recommendations and believe that a National Security Decision Directive along the lines of that proposed by the report would be an appropriate vehicle for implementing them.

2. I recommend that the report be considered at an early National Security Council meeting so that interested members of the Cabinet may provide their views to the President.

Sincerely,

/s/ William J. Casey

William J. Casey

cc: The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Attorney General
The Secretary of Energy

5107

SUBJECT: Letter to The Honorable William P. Clark
Re Protection of Classified Information

Distribution:

Orig - Addressee

- 1 - DCI
- 1 - DDCI
- 1 - Ex Dir
- 1 - OGC
- 1 - ER
- 1 - D/ICS
- 1 - D/OCC/ICS
- 1 - ICS Registry

EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
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3	EXDIR		X		
4	D/ICS		X		
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12	Compt				
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14	D/Pers			30 APR 1982	
15	D/OEA				
16	C/PAD/OEA				
17	SA/IA			LOGGED	
18	AO/DCI				
19	C/IPD/OIS				
20	C/SECDEF	X			
21					
22					

5E2S

SUSPENSE 11 May
Date

Remarks:

Please coordinate as appropriate with GC and DDA and prepare response for DCI's signature.

Executive Secretary

30 April 1982
Date

STAT

90247

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

Executive Registry
82-4298/12

April 29, 1982

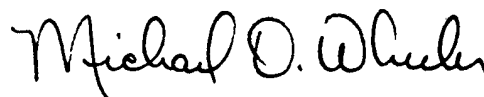
ACTION

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
✓ THE DIRECTOR OF CENTRAL INTELLIGENCE
THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS
THE UNITED STATES TRADE REPRESENTATIVE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE CHAIRMAN, NUCLEAR REGULATORY COMMISSION
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY
THE DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY
THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION
THE ADMINISTRATOR, NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
THE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY
THE DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE

SUBJECT: Protection of Classified Information

In response to NSDD-19, an interdepartmental group chaired by the Department of Justice has forwarded for consideration a draft National Security Decision Directive (Tab A). The actions it proposes are designed to help deter unauthorized disclosures of classified information.

Please provide formal agency comments on the draft NSDD no later than Friday, May 14.



Michael O. Wheeler
Staff Secretary

Attachment

Proposed NSDD

ATTACHMENT

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE INTELLIGENCE SERVICE
WASHINGTON DC 20330

REPLY TO
ATTN OF:

INS

6 MAY 1982

SUBJECT

NSDD 19 (Your Memo [SECOM-D-167, 30 Apr 82])

TO

Chairman
DCI Security Committee

1. We are greatly encouraged by ongoing Intelligence Community and other governmental efforts to better protect intelligence and other classified information as evidenced, in part, by the draft NSDD attached to your memo.

2. While your suspense does not permit full staffing within the Air Force, we would envision general support for all procedures discussed in the draft NSDD. The following specific comments are provided per your request:

a. Nondisclosure agreements for non-SCI information would, as noted, require a considerable period of time for Air Force implementation in view of the number of persons involved.

b. We believe extant directives on contacts between media representatives and Air Force officials meet the proposed NSDD policy.

c. Draft NSDD policy regarding the reporting and investigation of unauthorized disclosures should not cause any particular problem.

d. The use of the polygraph in the manner described in the draft NSDD may result in accusations of civil liberties abuse with respect to the proposed "ordering of an employee to submit to a polygraph examination."

STAT

Alternate Air Force Member
DCI Security Committee



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE
WASHINGTON, DC 20310

REPLY TO
ATTENTION OF

DAMI-CIS

6 MAY 1982

MEMORANDUM FOR CHAIRMAN, SECOM

SUBJECT: NSDD 19

1. Reference your memo SECOM-D-167, 30 April 1982.
2. The draft NSDD is well written. It would put teeth into investigation of unauthorized disclosures by having all persons authorized access to classified information sign a non-disclosure agreement; however, we have not evaluated the administrative impact such a requirement would place upon clearance authorities, i.e., resource needs to process and store supposedly a new non-disclosure form. We have no additional comments that would improve upon what is written.

FOR THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE:



Army Member, SECOM

STAT



STAT



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350

IN REPLY REFER TO

Memo 009DX/133

MAY 06 1982

MEMORANDUM FOR THE CHAIRMAN, DCI SECURITY COMMITTEE

Subj: NSDD 19

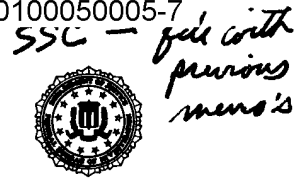
I. I have reviewed the draft National Security Decision Directive forwarded by your memorandum SECOM-D-167 of 30 April 1982. I support these new initiatives to improve our security program.



Navy Member
DCI Security Committee

STAT

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Memorandum

To : [Redacted]
Chairman, Director of Central Intelligence
Security Committee

Date May 5, 1982

STAT

From : [Redacted]
Security Programs Manager, FBI

STAT

Subject : DRAFT NATIONAL SECURITY DECISION DIRECTIVE

The following comments are submitted for your consideration as concern the "Draft National Security Decision Directive" prepared by Mr. Richard Willard at the Department of Justice.

1. The FBI has internal procedures to safeguard against unauthorized disclosure of classified information.
2. All FBI employees sign a non-disclosure agreement upon entering-on-duty as a prerequisite for employment.
3. All FBI employees sign the form 4913 as a condition of access to SCI information.
4. Strict guidelines are in place to govern contacts between media representatives and agency officials.
5. The FBI has internal procedures to govern the reporting and investigation of unauthorized disclosures; conducts internal assessment to evaluate damage caused by such disclosures; conducts preliminary internal investigations as appropriate; maintains records of disclosures so evaluated and investigated; cooperates with originating agency in conducting internal investigations of unauthorized disclosures; and takes appropriate administrative action against employees at variance with existing rules and regulations.
6. Current FBI policy allows for polygraph examinations, when appropriate, in the course of investigations of unauthorized disclosures of classified information.

The FBI's internal procedures for protecting national security information have been in effect for a considerable length of time and are strictly followed and monitored. The FBI has reviewed the "Draft National Security Decision Directive", participated in its preparation and approves of its content.

1 - D. Jerry Rubino
Director, Security Programs Staff
Department of Justice

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-167

30 April 1982

MEMORANDUM FOR: Members, DCI Security Committee

FROM:

Chairman

STAT

SUBJECT: NSDD 19

1. Attached is a copy of a draft National Security Decision Directive proposed by an interdepartmental group which was chaired by Justice. This draft was part of the "Willard Report" done in response to NSDD-19. I have been tasked to prepare proposed DCI comments on this draft. Also attached for information is a copy of a memorandum I sent the DCI on implementation of NSDD-19.

2. I would like to have the comments of SECOM members - in their capacities as the senior security officers of their departments and agencies - on this draft NSDD to help me in preparing a balanced response for the DCI's signature. My deadline is short. If you wish to comment on this, may I have your inputs no later than 7 May 1982.

STAT

Attachments

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THE WHITE HOUSE

UNCLASSIFIED

WASHINGTON

February 2, 1982

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS
THE UNITED STATES TRADE REPRESENTATIVE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE CHAIRMAN, NUCLEAR REGULATORY COMMISSION
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY
THE DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY
THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION
THE ADMINISTRATOR, NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
THE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

SUBJECT: Implementation of NSDD-19 on Protection of
Classified National Security Council and
Intelligence Information

The President signed NSDD-19 on January 12, 1982, dealing with protection of classified National Security Council and Intelligence Information, directing that I establish procedures to implement its policy guidelines. This memorandum (1) supersedes NSDD-19, (2) establishes procedures for protection of National Security Council Information as herein defined, (3) directs agency heads to issue instructions in conformity with these procedures, (4) directs the Director of Central Intelligence to develop similar procedures for protection of classified intelligence information, and (5) requests the Attorney General to convene an interdepartmental group on the effectiveness of existing laws against unauthorized disclosure of classified information.

UNCLASSIFIED

-2-

UNCLASSIFIEDNational Security Council Information

National Security Council Information means classified information contained in: (1) any document prepared by or intended primarily for use by the NSC, its interagency groups as defined in NSDD-2, or its associated committees and groups, and (2) deliberations of the NSC, its interagency groups as defined in NSDD-2, or its associated committees and groups.

Access

Any agency or department handling NSC Information will hold the number of persons having access to such information to the absolute minimum consistent with efficient operations of the NSC system, and will strictly control document dissemination and reproduction to carry out existing law. A numbered cover sheet bearing the notation appearing below will be affixed to each copy of a document containing NSC Information. The cover sheet will be attached at the time it is submitted to an Assistant Secretary or equivalent level. The NSC will provide sample cover sheets to departments and agencies who will then be responsible for further distribution and administration.

NOTICE

The attached document contains classified National Security Council Information. It is to be read and discussed only by persons authorized by law.

Your signature acknowledges you are such a person and you promise you will show or discuss information contained in the document only with persons who are authorized by law to have access to this document.

Persons handling this document acknowledge he or she knows and understands the security law relating thereto and will cooperate fully with any lawful investigation by the United States Government into any unauthorized disclosure of classified information contained herein.

Implementation

Agency and department heads will forward to the NSC implementing instructions on these procedures no later than March 15, 1982.

UNCLASSIFIED

-3-

UNCLASSIFIED

The DCI will also submit by that date for NSC consideration draft procedures for protection of sensitive intelligence information within its control. Such procedures will be cleared within the Intelligence Community and dissenting views will be noted.

The Attorney General is requested to convene by March 1, 1982, an interagency group to report to the President on the effectiveness of existing statutes and Executive Orders prohibiting unauthorized disclosure of classified information. The report should be submitted by April 1, 1982.

FOR THE PRESIDENT:



William P. Clark

UNCLASSIFIED

TAB B

TAB B

The Director of Central Intelligence

Washington, D.C. 20505

2 MAR 1982

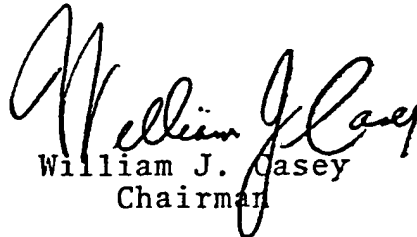
MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE COUNCIL

SUBJECT: Implementation of NSDD-19 on Protection of Classified
National Security Council and Intelligence Information

REFERENCE: Assistant to the President for National Security
Affairs Memorandum dated 2 February 1982

1. Referenced memorandum provides new national policy guidance on protection of certain types of sensitive information in implementation of NSDD-19. Mr. Clark has directed me to develop draft procedures for protection of classified intelligence information similar to those prescribed for National Security Council material, and to submit my procedures for NSC consideration no later than 15 March 1982.

2. My proposed implementing procedures are attached. I request that you provide me any specific concerns you have with these no later than 10 March, and that you include suggested alternatives to alleviate any such concerns. If addressees indicate sufficient need, we will discuss these procedures at an early NFIC meeting.


William J. Casey
Chairman

Attachment

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